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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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VENABLE LLP			TOTH, KAREN E	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.	10/666,548	
Examiner	SUDA, EIKICHI	
Karen E. Toth	Art Unit 3735	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
2a) This action is FINAL. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 and 13 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
5) Claim(s) 14 is/are allowed.
6) Claim(s) 1,2,4,6-11 and 13 is/are rejected.
7) Claim(s) 3 and 5 is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International-Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application
6) Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. Claims 1, 2, 4, 6-8, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Wise (US Patent 5113868).

Regarding claims 1 and 6, Wise discloses an electronic device for measuring a health index comprising a power receiving section that receives a power supply voltage that contains a specific signal expressed by a time-series voltage variation pattern, in order to perform a specific control (column 10, lines 35-53); a voltage measuring section that measures the power supply voltage variation (figure 7), a signal extracting section configured to analyze data measured by the voltage measuring section and to extract a specific signal contained in the measured data (column 10, line 57 to column 11 line 3); and a first control section configured to perform a specific command based on the signal extracted by the signal extracting section (RESET).

Regarding claim 2, Wise discloses an electronic device for measuring a health index comprising a power receiving section that receives a power supply voltage that contains a specific signal expressed by a time-series voltage variation pattern, in order to perform a specific control (column 10, lines 35-53); a voltage measuring section that measures the power supply voltage variation (figure 7), a signal extracting section configured to analyze data measured by the voltage measuring section and to extract a

specific signal contained in the measured data (column 10, line 57 to column 11 line 3); a first control section configured to perform a specific command based on the signal extracted by the signal extracting section (RESET); a second control section configured to perform a control for health index measurement and other necessary controls (MODE); a switch section configured to transmit a switching signal and other signals to each section by a predetermined setting operation (element 298); and wherein the second control section controls the other sections and only performs a specific control when in a predetermined set state.

Regarding claim 4, Wise discloses an electronic device for measuring a health index comprising a power receiving section that receives a power supply voltage that contains a specific signal expressed by a time-series voltage variation pattern, in order to perform a specific control (column 10, lines 35-53); a voltage measuring section that measures the power supply voltage variation (figure 7), a signal extracting section configured to analyze data measured by the voltage measuring section and to extract a specific signal contained in the measured data (column 10, line 57 to column 11 line 3); a first control section configured to perform a specific command based on the signal extracted by the signal extracting section (RESET); a second control section configured to perform a control for health index measurement and other necessary controls (MODE); a switch section configured to transmit a switching signal and other signals to each section by a predetermined setting operation (element 298); and wherein the second control section selects and executes an operation mode, controls the other sections, and only performs a specific control when in a predetermined set state.

Regarding claim 7, Wise further discloses that the first section performs a control selected from a plurality of controls based upon the received signal (that is, resetting or not resetting).

Regarding claim 8, resetting the device may be considered to be a form of function setting.

Regarding claims 11 and 13, Wise discloses a method comprising receiving a power supply voltage having a time-series voltage variation pattern for performing a control (column 10, lines 40-43), performing the control by connecting a driving power supply to the power receiving section of an electronic device for health index measurement, where the driving power supply supplies the varying voltage (figure 7), and applying the power supply voltage having the varying pattern from the power supply to the power receiving section, where the pattern is a combination of high-level and low-level voltages (column 10, lines 43-46) and the device performs a specific control based on the digital code from the voltage pattern (RESET, MODE, MODE*, etc.). The examiner notes that the additional digital code limitation of claim 13 is optional; as such, it has not been considered.

Claim Rejections - 35 USC § 103

3. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise in view of New (US Patent 6494829).

Regarding claim 9, Schulze discloses all the elements of the current invention, as described above, except for writing the extracted signal into nonvolatile memory as

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individual information. Wise further discloses keeping track of battery usage (column 10, lines 46-47), but does not disclose writing voltage status signals to nonvolatile memory.

New teaches an electronic device for health index measurement comprising a signal extracting section that monitors variations in the voltage of a power supply, and writing the extracted signal to nonvolatile memory (column 11, lines 54-60), in order to accurately monitor the device's functionality. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the system of Wise and written the extracted voltage variation signal to nonvolatile memory, as taught by New, in order to accurately monitor the system's functionality.

Regarding claim 10, Wise discloses all the elements of the current invention, as described above, except for writing the operation program triggered by the extracted signal into nonvolatile memory.

New teaches an electronic device for health index measurement comprising a signal extracting section that monitors variations in the voltage of a power supply, with a memory section for tracking the voltage variations over time (column 11, lines 54-60), in order to monitor the system's performance. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the system of Wise and recorded executed operations in nonvolatile memory, as taught by New, in order to monitor the system's performance.

The examiner notes that New does not specifically disclose recording the executed operation, rather than the extracted signal. However, at the time the invention was made, it would have been an obvious matter of design choice to a person of

ordinary skill in the art to use choose to track the executed operations, because the Applicant has not disclosed that recording executed operations instead of the signals that trigger the operations provides a particular advantage, is for a particular purpose, or solves a stated problem. Moreover, it appears that recording the signals used to trigger operations, per New, or recording the executed operations, per Applicant, would perform equally well to monitor the system's performance. Accordingly, it would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified New such that the memory was used to store executed operations, because such a modification would have been considered a mere design consideration that fails to patentably distinguish over Wise in view of New.

Response to Arguments

4. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

5. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to anticipate or make obvious the method of claim 14, including, *inter-alia*, the driving power supply pattern including a low level voltage period having a predetermined length prior to initiating the digital code, where the low level

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voltage is higher than the minimum operating voltage of the device, and the power supply voltage incorporating the digital code beginning with a high level voltage after the low level voltage period.

6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to anticipate or make obvious the system of claim 3, including, *inter-alia*, a health index measuring device having a section for receiving a power supply voltage containing a time-series voltage variation pattern, a voltage measuring section, a section for extracting a specific signal from the measured voltage pattern, a first control section configured to perform a specific control selected from a plurality of controls based on the extracted signal, a second control section configured to perform a control for health index measurement, and at least one switch section configured to transmit a switching signal to each section by a predetermined setting operation, where the second control section selects a control to be performed in the first control section in accordance with the transmitted switching signal.

The prior art of record fails to anticipate or make obvious the system of claim 5, including, *inter-alia*, a health index measuring device having a section for receiving a power supply voltage containing a time-series voltage variation pattern, a voltage measuring section, a section for extracting a specific signal from the measured voltage pattern, a first control section configured to perform a specific control selected from a plurality of controls based on the extracted signal, and a second control section

configured to perform a control for health index measurement, where the second control section selects and executes at least one kind of operation mode, and also selects and ensures the execution of a control to be performed in the first control section in accordance with the operation mode selected.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Application Publication 2004/0127811 to Higuchi, which discloses similar inventions.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen E. Toth whose telephone number is 571-272-6824. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Karen
ket

MARY A. WINDENBURG
MARY A. WINDENBURG
INTERVENTION EXAMINER
TELEPHONE CENTER 3700